

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 7, 2003

AMENDED IN SENATE JUNE 11, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1405**

**Introduced by Assembly Members Wolk and Harman**  
(Coauthor: Senator McPherson)  
**(Coauthor: Assembly Member Laird)**

February 21, 2003

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An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

LEGISLATIVE COUNSEL'S DIGEST

AB 1405, as amended, Wolk. California Watershed Protection and Restoration Act.

Existing law provides for a watershed protection program, and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

This bill would enact the California Watershed Protection and Restoration Act. The act would declare that the Legislature encourages the California Environmental Protection Agency and the Resources Agency to provide assistance and grants under the act to those who choose to participate in watershed restoration and enhancement. The act would make certain declarations regarding voluntary, local, and collaborative watershed partnerships. The bill would require state agencies that adopt guidelines for use by local watershed partnerships to provide specified mechanisms and would authorize state agencies with jurisdiction over watershed planning and protection to provide technical assistance to watershed management partnerships, to the extent that funds are available.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 6.5 (commencing with Section 5808) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 6.5. CALIFORNIA WATERSHED PROTECTION AND  
RESTORATION ACT

5808. This chapter shall be known, and may be cited, as the California Watershed Protection and Restoration Act.

5808.1. The Legislature finds and declares the following:

(a) In addition to the statutory and regulatory policies and programs established pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with Section 30901), and Chapter 1.696 (commencing with Section 5096.600) of Division 5, Division 7 (commencing with Section 13000) and Division 26.5 (commencing with Section 79500) of the Water Code, and other statutes and regulations affecting watershed planning and protection, efforts to conserve, maintain, restore, protect, enhance, and utilize California's rivers and streams for habitat, recreation, water supply, public health, economic development, and other purposes have a greater likelihood of being successful when governments, including federal and tribal governments, work in partnership with citizens

1 in an effort to combine community resources, local initiative, and  
2 state agency support.

3 (b) The Legislature enacted Assembly Bill 2117 of the  
4 1999–2000 Regular Session (Ch. 735, Stats. 2000) to require the  
5 California Environmental Protection Agency and the Resources  
6 Agency to evaluate how effective voluntary, community-based,  
7 collaborative watershed efforts or partnerships are in contributing  
8 to the protection and enhancement of California’s natural  
9 resources, and what the state can do to assist them.

10 (c) The agencies produced a Report to the Legislature:  
11 Addressing the Need to Protect California’s  
12 Watersheds—Working with Local Partnerships, April 2002.

13 (d) The recommendations of that report form the basis and  
14 factual support for promoting and encouraging local partnerships  
15 in watershed restoration, protection, and management as one of the  
16 nonregulatory means of improving watersheds.

17 (e) It is the intent of the Legislature that this act will bring more  
18 understanding to government agencies of the nature, scope, and  
19 complexity of working on a watershed basis at the local and  
20 regional level.

21 (f) To the extent consistent with the federal Clean Water Act  
22 (33 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with  
23 Section 30901) and Chapter 1.696 (commencing with Section  
24 5096.600) of Division 5, Division 7 (commencing with Section  
25 13000) and Division 26.5 (commencing with Section 79500) of  
26 the Water Code, and other statutes and regulations affecting  
27 watershed planning and protection, the California Environmental  
28 Protection Agency and the Resources Agency are encouraged to  
29 provide assistance and grants under this chapter in a uniform and  
30 predictable manner to those who choose to participate in the  
31 important work of watershed restoration and enhancement  
32 pursuant to this chapter.

33 5808.2. (a) In addition to the statutory and regulatory  
34 policies and programs established pursuant to the federal Clean  
35 Water Act (33 U.S.C. Sec. 1251 et seq.), Division 20.4  
36 (commencing with Section 30901) and Chapter 1.696  
37 (commencing with Section 5096.600) of Division 5, Division 7  
38 (commencing with Section 13000) and Division 26.5  
39 (commencing with Section 79500) of the Water Code, and other  
40 statutes and regulations affecting watershed planning and

1 protection, voluntary local collaborative partnerships that assist in  
2 improving the condition of the watershed as expeditiously as  
3 possible are in the state's interest in terms of effectiveness, citizen  
4 involvement, and community responsibility.

5 (b) The use of local and regional watershed level planning and  
6 management can be an efficient and effective mechanism to  
7 improve the condition of the watershed.

8 (c) To the extent consistent with the federal Clean Water Act  
9 (33 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with  
10 Section 30901) and Chapter 1.696 (commencing with Section  
11 5096.600) of Division 5, Division 7 (commencing with Section  
12 13000) and Division 26.5 (commencing with Section 79500) of  
13 the Water Code, and other statutes and regulations affecting  
14 watershed planning and protection, *the memorandum of*  
15 *understanding required under Section 30946*, guidelines adopted  
16 by state agencies for use by local watershed partnerships shall  
17 provide flexible mechanisms to achieve quantifiable, and  
18 monitored watershed objectives.

19 (d) In addition to the statutory and regulatory policies and  
20 programs established pursuant to the federal Clean Water Act (33  
21 U.S.C. Sec. 1251 et seq.), Division 20.4 (commencing with  
22 Section 30901) and Chapter 1.696 (commencing with Section  
23 5096.600) of Division 5, Division 7 (commencing with Section  
24 13000) and Division 26.5 (commencing with Section 79500) of  
25 the Water Code, and other statutes and regulations affecting  
26 watershed planning and protection, local governments, special  
27 districts, and other interested parties may participate in local  
28 watershed partnerships in order to ensure efficient, long-lasting,  
29 and effective watershed restoration and management and to  
30 improve the watershed.

31 (e) To the extent funds that are available for the purposes in  
32 subdivision (d), state agencies with jurisdiction over watershed  
33 planning and protection may provide technical assistance to  
34 watershed management partnerships through training, advice, and  
35 manuals describing assessments, plans, and monitoring activities  
36 that are consistent with watershed protection laws and regulations.